

Notice of Allowability

Application No.

09/873,705

Applicant(s)

GRECIA, WILLIAM

Examiner

Art Unit

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary & Examiner's Amendment 6/24/06.
2. ☒ The allowed claim(s) is/are 1-4, renumbered to 1-4 resp..
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/23/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with inventor William Grecia on 6/23/06.

Discussed reformatting of the claims to claim a method of encoding to the authored data structure, capturing the essence of applicant's invention.

The application has been amended as follows:

(A) Replace claims 1-4 with 1-4 below and cancel claims 5-7.

1. A method of encoding to an MPEG stream and encoding to CD media, the CD media compliant with White Book ISO 9660 2.0 format, having a table of contents, wherein upon playback preventing audio switching noise and popping, associated with auto repeat operations of playback CD devices, caused by not detecting the true end points associated with conventionally encoded CDs, during playback in Red Book compliant players,

the encoding method comprising the steps of:

- receiving and encoding a source of at least audio and video content data,
- authoring the conventional cue sheet by modifying the index to point at track one index 00, and
- adding ten seconds of WAV file data having 0 db or silence appended to the beginning of the encoded original WAV file and storing the appended WAV file on the CD media,

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upon reproduction of the CD media is accomplished without interrupting play time of the CD media data track one and which is limited to 4 seconds of audio playback and reproduction of the CD media in DVD players allow playback control operations of all files contained in the data track one, without the utilization of the table of contents track above one, to do so.

2. The method of claim 1, wherein the source of audio and video content is one of an analog capture or an AVI file derived from a digital source, one of a Mini DV and Digital 8.

3. The method of claim 1, wherein the audio is 5.1 digital surround sound.

4. The method of claim 3, wherein the 5.1 digital surround sound is a DTS WAV format.

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach, disclose or fairly suggest the encoding method as claimed,

- authoring the conventional cue sheet by modifying the index to point at track one index 00, and
- adding ten seconds of WAV file data having 0 db or silence appended to the beginning of the encoded original WAV file and storing the appended WAV file on the CD media,

thereby, alleviating cited issues with audio related switching noise and popping issues of conventionally encoded discs based in the claimed CD standards and player types.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Fax Information

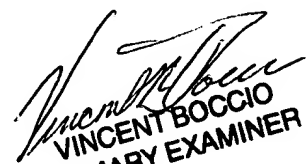
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
6/24/06


VINCENT BOCCIO
PRIMARY EXAMINER